

THE LAW OFFICES OF  
**MICHAEL L. SPIEGEL**  
 111 BROADWAY, SUITE 1305  
 NEW YORK, NEW YORK 10006  
 TEL:(212)587-8558 FAX:(212)571-7767

**MEMO ENDORSED**

July 2, 2007

**BY FAX TO (212)805-7930**

Hon. James C. Francis IV  
 United States Magistrate Judge  
 United States District Court  
 500 Pearl Street, Room 1960  
 New York, NY 10007-1312

USDC SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #: \_\_\_\_\_  
 DATE FILED: 7/15/07

Dear Judge Francis:

I write regarding unresolved matters concerning five plaintiffs' depositions in the above-referenced cases.

Three plaintiffs have proposed that their depositions be taken by telephone. The City has refused to consent to this arrangement (the depositions have been scheduled for dates certain, the only issue is the means by which the depositions will be taken). Miho Schutzenhofer is the mother of infant twins who lives in San Francisco; she cannot travel with them, and she cannot leave them to travel to New York. Roger Vilanova-Marques lives in Tarragona, Spain; it would be a hardship for him to travel to New York for his deposition. Daniel Parrot lives in Arizona; it would be an economic hardship for him to travel to New York for his deposition.

One plaintiff, Lily Hughes-Dunn, traveled from Maryland to appear for a deposition which had been confirmed by the City four weeks in advance, in writing, for April 2, 2007. When Ms. Hughes-Dunn appeared at the Office of the Corporation Counsel on that date, she was informed that the City was not prepared to go forward with the deposition. It is plaintiff's position that the City has defaulted on this deposition, and that Ms. Hughes-Dunn should not be required to appear again.

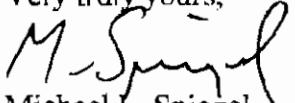
Plaintiff Michael Joseph requests that his deposition be scheduled for December 11, 2007, even though that is beyond the cut-off date. He is a missionary in Colombia and was in New York last week and this week until July 4. He is returning to Colombia on July 5, and will not return to the U.S. until mid-December.

Last week, plaintiffs proposed that the deposition of Mr. Joseph take place today, July 2, and explained the circumstances. The City said it would not take the deposition on July 2, and insisted on July 3, but plaintiffs could not arrange for an attorney to appear on that date. The

DOCKET  
 IN BOTH  
 CASES

December 11 date was then tentatively agreed upon, as part of the negotiations to postpone 25 plaintiffs' depositions until after the November 16 deadline. The City now does not consent to take the deposition on that date. Although the December 11 date was contingent on the deferral of the other twenty-five depositions, which is not occurring, that date is apparently otherwise convenient for the City. Accordingly, we ask that the December 11 date be ordered by the Court, given the exceptional circumstances and the *de minimis* extension beyond November 16. Alternatively, given that Mr. Joseph will be working in Colombia until December, we ask that the Court order that his deposition be taken by telephone at a date to be agreed upon (it may be necessary to determine the availability of a telephone once he has returned there later this week) prior to November 16.

Very truly yours,

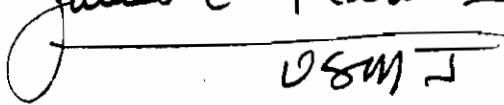
  
Michael L. Spiegel

MLS:ms

cc: Jeffrey Brooks, Esq. (by fax)

7/5/07

Plaintiffs Schutzenhofer, Vilanova-Marques, and Rieser shall appear in person for their depositions. Plaintiff Joseph shall, at defendants' option, be deposed as scheduled by telephone or be deposed in person on December 11, 2007.

SO ORDERED.  
James C. Faust IV  
  
OSM/T